

### **REMARKS**

Favorable reconsideration and allowance of the present application in view of the following remarks are respectfully requested.

Claims 1-4, 7-17, 19-22, 24-27, 29, and 44-45 remain in this application, including independent claims 1 and 22. Independent claim 1, for instance, is directed to an absorbent paper product for drying and conditioning the skin of a user, wherein the paper product is in the form of a towel, wipe, or napkin. The paper product comprises a paper web and a water-soluble lotion composition applied to the paper web such that the add-on level of the lotion composition is between about 1% to about 10% by weight of the paper product. The lotion composition of claim 1 comprises: (1) water in an amount between about 10% to about 90% by weight of the lotion composition; (2) a water-soluble skin conditioning component, which includes glycerin in an amount between about 2% to about 15% by weight of the lotion composition; and (3) a viscosity-increasing component in an amount between about 2% to about 10% by weight of the lotion composition, wherein the viscosity-increasing component includes at least one alkoxylated alcohol surfactant.

In the Office Action, all the pending claims, including independent claims 1 and 22, were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/03147 to Hammonds, et al. in view of U.S. Patent No. 5,728,389 to Sebillotte-Arnaud, and U.S. Patent No. 4,944,938 to Potini. Hammonds, et al. is directed to fibrous sheet materials applied with an oat extract solution, and this oat extract solution includes an effective amount of oat extract and a solubilizing agent (which, in some embodiments, may be glycerin). In certain embodiments, the oat extract solution described by Hammonds, et al. comprises from about 0.5 to about 50 weight % of oat extract and from about 10 to about 90 weight % of the solubilizing agent. The fibrous sheet materials of Hammonds, et al. are used in a wet or partially saturated state for wet wipes or in a dry state for tissues or towels. (See, e.g., page 2, lines 30-34).

Applicants respectfully submit that Hammonds, et al. fails to teach various aspects of Applicants' absorbent paper products that are applied with a water-soluble lotion composition, according to independent claims 1 and 22. For example,

Hammonds, et al. completely fails to teach any sort of viscosity-increasing component that includes at least one alkoxylated alcohol surfactant when describing its oat extract solution that is applied to fibrous sheet materials. Nowhere in Hammonds, et al. is there any mention of a desire to increase the viscosity of its oat extract solution to be applied to fibrous sheet materials. Rather, a primary focus of Hammonds, et al. is to include a proper *solubilizing agent* in its oat extract solution so that the oat extract is properly solubilized before the oat extract solution is impregnated into a fibrous sheet material (like a wet wipe) to clean and soothe a user's skin. (See, e.g., page 2, lines 4-26; page 4, lines 9-12; page 5, lines 16-29). At page 3, the Office Action acknowledged that Hammonds, et al. fails to teach such a viscosity-increasing component that includes at least one alkoxylated alcohol surfactant.

Nevertheless, the Office Action combined Hammonds, et al. with two additional references, U.S. Patent No. 5,728,389 to Sebillotte-Arnaud, and U.S. Patent No. 4,944,938 to Potini, to reject independent claims 1 and 22. Sebillotte-Arnaud is directed to a skin cleansing composition containing, in a cosmetically acceptable medium, a structuring agent insoluble in this medium and formed of solid particles, which imparts a deformable solid appearance to the composition in which the medium is contained. (Col. 1, lines 61-66). Sebillotte-Arnaud describes the use of a structuring agent in a skin cleansing composition in order to impart a deformable solid appearance to the skin cleansing composition. (Col. 2, lines 3-9). And Sebillotte-Arnaud states that its composition is of dry, deformable solid appearance and resembles marshmallow, such that the product's softness allows the cleansing composition to be used by individuals with sensitive skin. (Col. 2, lines 18-44). The Office Action stated that Sebillotte-Arnaud "teaches that talloweth-60 myristyl glycol is a conventionally used nonionic surfactant in skin cleansing compositions." (Office Action, at 3).

Potini is directed to an antiperspirant/deodorant gel that includes aluminum chlorohydrate, water, an isostearyl benzoate emollient, volatile siloxanes, cetyl ether emollient, and one or more glycol solubilizers. The antiperspirant/deodorant gel of Potini is free of monohydric alcohols, is very low in water content, and is quick drying. (Col. 1, lines 46-63). The Office Action stated that Potini "teaches that talloweth-60

myristyl glycol is a conventional water-soluble thickener well known in cosmetic art.”  
(Office Action, at 3).

When combining the Sebillotte-Arnaud and Potini references with Hammonds, et al. in the Section 103 rejection of independent claims 1 and 22, the Office Action stated the following:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have added the talloweth-60 myristyl glycol to the lotion composition of Hammonds as motivated by Sebillotte-Arnaud and Potini because 1) Hammonds teaches to include suitable cosmetic ingredients such as additional surfactants in the aqueous liquid to provide the desired wiping properties; 2) Sebillotte-Arnaud teaches that talloweth-60 myristyl glycol is an old and well known nonionic surfactant used in a skin cleanser; 3) Potini teaches that talloweth-60 myristyl glycol is also used as a water-soluble thickener in cosmetic art. The skilled artisan would have had a reasonable expectation of successfully producing a skin care composition with enhanced viscosity to make the wet wipe of Hammonds.

(Office Action, at 3). Applicants respectfully disagree.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion, motivation, or incentive (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations.

In the present case, Applicants respectfully submit that no motivation or suggestion would have existed at the time the present invention was made to combine the teachings of Hammonds, et al. with the teachings of Sebillotte-Arnaud and/or Potini and arrive at the absorbent paper product to which a water-soluble lotion composition is applied according to Applicants' claims 1 and 22. Specifically, Hammonds, et al. focuses on providing fibrous sheet materials like wet wipes that are impregnated with an aqueous solution of oat extract. Nowhere in Hammonds, et al. is there any indication that its oat extract solution should be—or even could be—combined with the solid, marshmallow-like skin cleansing composition of Sebillotte-Arnaud to arrive at the water-

soluble lotion composition that is applied to a paper web according to Applicants' claims. Rather, where Hammonds, et al. states that its wet wipes may include other suitable components like surfactants, such statements are in the context of improving the desired *wiping* properties of Hammonds, et al.'s wet wipes. The solid, marshmallow-like skin cleansing composition of Sebillotte-Arnaud, even though it may contain a surfactant like talloweth-60 myristyl glycol, likely would make the wiping properties of Hammonds, et al.'s wet wipes *worse*.

Likewise, nowhere in Hammonds, et al. is there any indication that its oat extract solution should be—or even could be—combined with the antiperspirant/deodorant gel of Potini to arrive at the water-soluble lotion composition that is applied to a paper web according to Applicants' claims. Again, where Hammonds, et al. allows for its wet wipes to include other ingredients like surfactants, this is to improve the *wiping* properties of Hammonds, et al.—properties that will not be improved by adding an antiperspirant/deodorant gel meant for the underarm of a user.

Applicants respectfully note that the differences between a particular claim and the cited references cannot be viewed in a vacuum. Instead, the teachings of the references must be viewed *in their entirety* to sustain a *prima facie* case of obviousness under 35 U.S.C. § 103. Viewing the teachings of Hammonds, et al., Sebillotte-Arnaud, and Potini as a whole, it is clear that there would have been no motivation to combine Hammonds, et al.'s oat extract solution-impregnated fibrous sheet materials (like wet wipes) with any aspect(s) of Sebillotte-Arnaud's marshmallow-like solid cleansing composition and/or Potini's quick-drying antiperspirant/deodorant gel and arrive at Applicants' claims 1 and 22, which are directed to absorbent paper products wherein a paper web is applied with a water-soluble lotion composition at an add-on level of between about 1% to about 10% by weight of the paper product.

In essence, it appears that the Office Action's combination of Hammonds, et al. with Sebillotte-Arnaud and Potini improperly stems from the teachings of Applicants' present invention. Specifically, Applicants respectfully submit that by focusing on the mere mention of an alkoxylated alcohol surfactant (like talloweth-60-myristyl glycol) in the Sebillotte-Arnaud and Potini references, the Office Action uses Applicants'

disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings in the prior art, which is clearly improper under Section 103. A determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention. Accordingly, Applicants respectfully submit that the absorbent paper product and absorbent paper towel of independent claims 1 and 22 patentably defines over the proposed combination of Hammonds, et al. with Sebillotte-Arnaud and Potini.

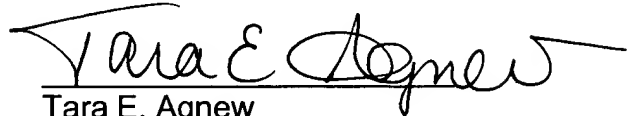
In addition, the above-cited references were also cited to reject the dependent claims. Applicants respectfully submit, however, that at least for the reasons indicated above relating to corresponding independent claims 1 and 22, the dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims does not necessarily hinge on the patentability of independent claims 1 and 22. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 1 and 22.

In summary, Applicants respectfully submit that the present claims are in complete condition for allowance. Should any issue remain after consideration of this Response, Examiner Yu is invited and encouraged to telephone the undersigned at her convenience.

Appl. No. 09/718,071  
Response Dated January 4, 2005  
Reply to Office Action of October 6, 2004

Please charge any additional fees required by this Response to Deposit Account  
No. 04-1403.

Respectfully submitted,  
DORITY & MANNING, P.A.

  
Tara E. Agnew  
Registration No. 50,589

DORITY & MANNING, P.A.  
P. O. Box 1449  
Greenville, SC 29602-1449  
Phone: (864) 271-1592  
Facsimile: (864) 233-7342

Date: Jan. 4, 2005